

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

LEONARD GREEN
CLERK

LINDA M. NIESEN
(513) 564-7038
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Filed: September 13, 2005

Keith Throckmorton
Middle District of Tennessee at Nashville
801 Broadway
Suite 800 U.S. Courthouse
Nashville, TN 37203

RE: 04-5230
Benzon vs. Morgan Stanley Dist
District Court No. 03-00159

Enclosed is a copy of the mandate filed in this case. The certified record was never sent to this Court on appeal.

Very truly yours,
Leonard Green, Clerk

Linda M. Niesen
Deputy Clerk

cc: Honorable Todd J. Campbell
Mr. H. Naill Falls Jr.
Mr. James Franklin Sanders
Mr. Richard A. Rosen

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EDWARD B. BENZON; SHIRLEY C. BENZON; MARCIA M. LOCKWOOD, as
Trustee for the Charles J. Lockwood Family Trust; ANDREW J.
ANDRZEJEWSKI; GAIL E. ANDRZEJEWSKI; MARVIN ED SMITH; KAY
STEVENSON, as general partner of Gerda Day Limited
Partnership; MARSHA HENSON, on behalf of themselves and all
others similarly situated

Plaintiffs - Appellants

v.

MORGAN STANLEY DISTRIBUTORS, INC.; MORGAN STANLEY INVESTMENT
ADVISORS, INC.; MORGAN STANLEY INVESTMENT MANAGEMENT, INC.;
MORGAN STANLEY INVESTMENTS, L.P.; MORGAN STANLEY DW INC.;
MORGAN STANLEY

Defendants - Appellees

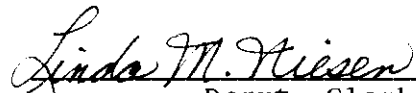
MANDATE

Pursuant to the court's disposition that was filed 8/22/05
the mandate for this case hereby issues today.

A True Copy.

COSTS: none

Attest:


Deputy Clerk